



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105**

February 13, 2015

Via Email and Federal Express

Khaled B. Rahman, P.G., C.Hg.  
Principal Hydrogeologist  
SGI Environmental  
3478 Buskirk Avenue, Ste 100  
Pleasant Hill, CA 94523

David T. Chapman, Esq.  
Law Office of David T. Chapman  
603 Del Ganado Rd. #6051  
San Rafael, CA 94903

Re: Freedom of Information Act Request: EPA-R9-2015-003778 (Third Partial Response)

Dear Mr. Rahman and Mr. Chapman:

This is in response to your above-referenced Freedom of Information Act (FOIA) request dated January 30, 2015, in which you requested:

- A. all CERCLA 104(e) responses relating to the Omega Chemical Site and/or OU2 for various facilities identified in EPA's August 2010 Final Remedial Investigation/ Feasibility Study Reports;
- B. all CERCLA 104(e) responses relating to the Omega Chemical Site and/or OU2 for various identified parties;
- C. All waste manifests, summaries of waste manifests, and any other similar documents relating to wastes received at the Omega Chemical OU-1 site;
- D. Any correspondence, data, reports, calculations, computer models or other digital data or hard media regarding groundwater (the majority were provided previously by the Superfund Records Center as described in my February 12, 2015 email to you); and
- E. All consent decrees, administrative orders, or other settlement agreements concerning non-OPOG parties (provided separately by Steve Berninger via email on February 10, 2015).

On the enclosed DVDs, you will find copies of a partial set of documents that are responsive to Requests A, B and C. These are the 104(e) responses and manifest information that have previously been determined by EPA to be releasable. We are unable to provide you with certain portions of documents that have been determined to be exempt from mandatory disclosure by

virtue of the following FOIA provisions:

- 5 U.S.C. Section 552(b)(6) (information the release of which would constitute a clearly unwarranted invasion of personal privacy of third parties);
- 5 U.S.C. Section 552(b)(7)(A) (information whose release could interfere with enforcement proceedings), and/or
- Sec. 552(b)(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Included on the DVDs are two itemized indexes listing the 104(e) responses and manifests provided in response to Requests A, B and C, and showing any withheld material along with the basis for withholding it.

EPA is continuing in its efforts to identify additional records that are responsive to Requests A, B and C, and will provide copies of these records once they have undergone releasability reviews.

Also included on the DVDs is the Oversight Costs Dispute AR Update 1, which is the remaining portion of EPA's response to Request D.

Under FOIA, you have the right to appeal this partial denial determination to EPA, Office of Environmental Information, Records, Privacy, and FOIA Branch (2822T), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. The appeal must be made in writing, and it must be received at this address no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30-day limit. The appeal may include as much or as little related information as you wish, as long as it clearly identifies the determination being appealed (including the assigned FOIA request number, R9-2015-003778. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal".

If you have any questions, please contact me at (415) 972-3125.

Sincerely,

A handwritten signature in black ink that reads "Keith Olinger". The signature is fluid and cursive, with the first name "Keith" and last name "Olinger" clearly distinguishable.

Keith E. Olinger, US EPA Enforcement Officer  
Case Development, Superfund

Enclosures:

DVDs (3)

cc: Steve Berninger, w/encls.  
Wayne Praskins, w/encls.



February 17, 2015

Dear Customer:

The following is the proof-of-delivery for tracking number **631423801094**.

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**Delivery Information:**

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<b>Signed for by:</b>	T.CALDEN	<b>Delivery location:</b>	3478 BUSKIRK AVE STE 100 PLEASANT HILL, CA 94523
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**Shipping Information:**

<b>Tracking number:</b>	631423801094	<b>Ship date:</b>	Feb 13, 2015
		<b>Weight:</b>	0.5 lbs/0.2 kg

**Recipient:**

Khaled B. Rahman  
SGI Environmental  
3478 Buskirk Ave, Ste 100  
PLEASANT HILL, CA 94523 US

**Shipper:**

Omega  
Toeroek Associates, Inc.  
1300 Clay Street  
Suite 450  
Oakland, CA 94612 US  
9063-009

**Reference**

Thank you for choosing FedEx.



February 17, 2015

Dear Customer:

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<b>Signed for by:</b>	J.GUITIERREZ	<b>Delivery location:</b>	603 DEL GANADO RD 6051 SAN RAFAEL, CA 94903
<b>Service type:</b>	FedEx Standard Overnight	<b>Delivery date:</b>	Feb 17, 2015 10:49
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<b>Tracking number:</b>	631423801109	<b>Ship date:</b>	Feb 13, 2015
		<b>Weight:</b>	0.5 lbs/0.2 kg

**Recipient:**

David T. Chapman  
Law Office of David T. Chapman  
603 Del Ganado Rd. #6051  
SAN RAFAEL, CA 94903 US

**Shipper:**

Omega  
Toeroek Associates, Inc.  
1300 Clay Street  
Suite 450  
Oakland, CA 94612 US  
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**Reference**

Thank you for choosing FedEx.